

ARGUMENTS/COMMENTS

Claims 1 through 20 are currently pending in the present application.

Applicants sincerely appreciate the indication of allowability of claims 16 through 20.

Claims 1 through 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,174,217 to Judson (hereinafter "Judson").

Claim 1 provides a brassiere for supporting a wearer's breasts including a pair of breast cups with each of the pair of breast cups connected to a central panel, the central panel being disposed between the pair of breast cups and a pair of side panels, each being connected to a separate one of the pair of breast cups. Each of the pair of breast cups has a first fabric layer, a second fabric layer and a third fabric layer between the first fabric layer and the second fabric layer. The third fabric layer has an outer surface and an inner surface. The third fabric layer provides breathability to the wearer's breasts and support to the pair of breast cups. The third fabric layer is a spacer fabric having a first side and a second side. The third fabric layer has a plurality of perforations that each have a cut edge that is melted.

Judson provides an undergarment that has a skin-contacting panel and an outer sheer panel which define a pocket therebetween. The pocket is adapted for interchangeably receiving an insert in which the insert can be seen through the sheer panel. Inserts are provided in a variety of colors, appearances, or scents for placement into the undergarments to change the decorative scheme of the undergarment.

Page 3, line 22 through page 4, line 1 of the Action asserts that Judson's insert layer adds an additional layer, which would stiffen the cup and thereby

provide support to the cup. Applicants' respectfully disagree. Judson provides that the insert "does not function to enhance or shape an individual's breast but is positioned within pocket 34 merely to change the decorative scheme of the brassiere." (col. 5, lines 36-37). Moreover, Judson provides:

Brassier 14 includes two breast cups 18 supported by underwires 20, a backstrap [sic] 22, a central front connection region 24, shoulder straps 26 and a back hook region (not shown), as known in the art. In the strapless version of brassiere 14, shoulder straps 26 are eliminated and backstrap 22 may be reinforced.

Thus, the Judson breast cups are supported by underwires. In contrast to a third fabric layer that provides support to the pair of breast cups, as recited by claim 1.

In addition, Judson fails to disclose or suggest that the third fabric layer has a plurality of perforations that each have a cut edge that is melted, as recited by claim 1. Judson merely provides "[i]nset 36 may also be manufactured of a lace." (col. 3, lines 63-64).

Claims 2 through 8 depend from claim 1, and, thus, are not anticipated by Judson. Reconsideration and withdrawal of the 102(b) rejection are respectfully requested.

Claim 5 depends from independent claim 1 and provides that the third fabric layer has a feature selected from the group consisting of a plurality of dimples, a plurality of valleys, and any combinations thereof.

There is no recitation in Judson that the third fabric layer has a plurality dimples, a plurality of valleys or any combinations thereof. Page 4, lines 1 through 2 of the Action assert that the third layer of Judson is also a sheer woven fabric wherein the interstices within the weave itself provide perforations, dimples and valleys. Applicants respectfully disagree. Page 7, lines 11 through 14 of the application provide that "the first surface 222 has a series of patterned valleys or dimples 224. The dimples 224 allow for enhanced air circulation, while the inner

surface is smooth.” Thus, as clearly shown in 1, 2, and 4 of the application, the plurality of dimples and plurality of valleys recited in claim 5 are not merely interstices within the weave itself as asserted by the Action. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Independent claim 9 provides an article of clothing for covering a wearer's breasts that includes a first breast cup, a second breast cup, a center gore being between the first breast cup and a second breast cup with the first breast cup and the second breast cup having an outer layer of fabric, and a spacer fabric layer being connected to the outer layer of fabric when the article of fabric of clothing is positioned on the wearer. The spacer fabric layer is positioned between the outer fabric layer and the wearer's breasts. The spacer fabric layer provides breathability to the wearer's breasts. The spacer fabric layer has a first side and a second side. The spacer fabric layer has a plurality of perforations on a location of the spacer fabric layer and a feature selected from the group consisting of a plurality of dimples, a plurality of valleys, and any combinations thereof.

Judson does not provide such spacer fabric set forth in claim 9. Judson provides that the insert is positioned within a pocket merely to change the decorative scheme of the brassiere. (col. 5, lines 36-37). Thus, Judson fails to disclose or suggest a spacer fabric layer that is connected to the outer layer of fabric when the article of fabric of clothing is positioned on the wearer, let alone that the spacer fabric layer is positioned between the outer fabric layer and the wearer's breasts, the spacer fabric layer provides breathability to the wearer's breasts, the spacer fabric layer has a first side and a second side, and the spacer fabric layer has a plurality of perforations on a location of the spacer fabric layer and a feature selected from the group consisting of a plurality of dimples, a plurality of valleys, and any combinations thereof, as recited by claim 9.

As discussed above for claim 5, there is no recitation in Judson that the third fabric layer has a plurality of dimples, a plurality of valleys or any combinations thereof, as recited by claim 9.

Claims 10 through 14 depend from claim 9, and, thus, are also not anticipated by Judson. Reconsideration and withdrawal of the 102(b) rejection are respectfully requested.

Independent claim 15 is directed to an article of clothing for covering over a wearer's breasts. Claim 15 provides that a spacer fabric layer be enclosed between the first fabric layer and the second fabric layer. The spacer fabric layer provides breathability to the wearer's breasts, and the spacer fabric layer has a pattern, that is visible through at least one of the first fabric layer and the second fabric layer. Also, the pattern is disposed on a first location corresponding to a second location where the wearer's breasts lay.

Judson does not provide such spacer fabric set forth in claim 15. Judson provides that the insert is positioned within a pocket merely to change the decorative scheme of the brassiere. (col. 5, lines 36-37). Thus, Judson fails to disclose or suggest that a spacer fabric layer be enclosed between the first fabric layer and the second fabric layer, let alone that the spacer fabric layer provides breathability to the wearer's breasts, and the spacer fabric layer has a pattern, that is visible through at least one of the first fabric layer and the second fabric layer, as recited by claim 15.

Accordingly, reconsideration and withdrawal of the 102(b) rejection to claim 15 are respectfully requested.

Claims 1 through 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,306,006 to Cheng (hereinafter "Cheng").

Claim 1 is described above.

Cheng provides a brassiere pad provided with many air holes communicating with an upper and lower surface of the pad with a layer of silk and cotton respectively adhered on the upper and lower surfaces of the pad.

Cheng fails to disclose or suggest that the third fabric layer has a plurality of perforations that each have a cut edge that is melted, as recited by claim 1. Cheng merely provides "many air holes 13 communicating with an upper and a lower surface." (col. 2, lines 5-6 and 15-17).

Claims 2 through 8 depend from claim 1, and, thus, are not anticipated by Judson. Reconsideration and withdrawal of the 102(b) rejection are respectfully requested.

Dependent claim 3 provides the brassiere of claim 1, and further includes that the plurality of perforations form a pattern, the pattern being visible through the first fabric layer.

Cheng fails to disclose or suggest the pattern being visible through the first fabric layer, as recited by claim 3. Cheng merely provides that a "piece of surface cloth 12 made of silk and cotton is respectively adhered on the upper and the lower surface of the pad body 11." (col. 2, lines 6-8).

Dependent claim 5 is provided above.

There is no recitation in Cheng that the third fabric layer has a plurality of dimples, a plurality of valleys or any combinations thereof. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Independent claim 9 is described above.

As discussed above for claim 5, there is no recitation in Cheng that the third fabric layer has a plurality of dimples, a plurality of valleys or any combinations thereof.

Claims 10 through 14 depend from claim 9, and, thus, are also not anticipated by Cheng. Reconsideration and withdrawal of the 102(b) rejection are respectfully requested.

Independent claim 15 is described above.

Cheng fails to disclose or suggest that the spacer fabric layer has a pattern, that is visible through at least one of the first fabric layer and the second fabric layer, as recited by claim 15. As discussed above for claim 3, Cheng merely provides that a "piece of surface cloth 12 made of silk and cotton is respectively adhered on the upper and the lower surface of the pad body 11." (col. 2, lines 6-8).

Accordingly, reconsideration and withdrawal of the 102(b) rejection to claim 15 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that all claims presented in the application patentably distinguish over the cited prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed on to allowance.

Respectfully submitted,

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Date

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